

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ERIC DUANE ANDERSON,

Plaintiff,

v.

STATE OF WASHINGTON DEPARTMENT
OF HEALTH and STATE OF WASHINGTON
DEPARTMENT OF PERSONNEL,

Defendants.

Case No. C04-5684FDB

ORDER

Plaintiff moves for reconsideration of the Court's order granting Defendants' Motion for Summary Judgment and requesting time for discovery pursuant to Fed. R. Civ. P. 56(f) for the reason that there was insufficient time to make discovery prior to the summary judgment motion.

This case was filed in October 2004. Defendants filed their summary judgment motion February 22, 2005 along with the supporting declarations. On March 9, 2005, this Court struck the motion subject to re-noting after the pro bono screening committee completed its review. On March 31, 2005, the Court ordered that no further documents be filed in the case pending resolution of the court appointed counsel issue (Dkt. # 63.), and set forth the parties' obligations once the summary judgment motion was renoted.

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1 Plaintiff's current counsel was appointed August 23, 2005 and he filed his appearance on
2 August 29, 2005. The Joint Status Report was filed December 21, 2005, noting that Defendants
3 intended to renew their summary judgment motion.

4 A new case schedule was entered January 26, 2006 with discovery to be completed by June
5 12, 2006. Defendants renoted their summary judgment motion for March 24, 2006.

6 The above recitation indicates that Plaintiff's counsel had sufficient time to conduct any
7 discovery deemed necessary to respond to the known summary judgment motion that was to be
8 renoted. Under these circumstances, the Court did not conclude that additional time for discovery
9 was warranted. Plaintiff's motion for reconsideration is denied.

10 NOW, THEREFORE, IT IS ORDERED: Plaintiff's Motion for Reconsideration [Dkt. # 99]
11 is DENIED.

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13 DATED this 9th day of May 2006.

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16 FRANKLIN D. BURGESS
17 UNITED STATES DISTRICT JUDGE
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